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## PATENT COOPERATION TREATY

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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference		<b>FOR FURTHER ACTION</b>		
		See Form PCT/APEA/416		
International application No. PCT/US2005/001560		International filing date (day/month/year) 21.01.2005	Priority date (day/month/year) 22.01.2004	
International Patent Classification (IPC) or national classification and IPC C09J7/02, B32B7/04				
Applicant 3M INNOVATIVE PROPERTIES COMPANY et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> <i>(sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:</i></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</li> <li><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</li> </ul> <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</i></p>				
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Box No. I Basis of the opinion</li> <li><input type="checkbox"/> Box No. II Priority</li> <li><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li><input type="checkbox"/> Box No. IV Lack of unity of invention</li> <li><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li><input type="checkbox"/> Box No. VI Certain documents cited</li> <li><input type="checkbox"/> Box No. VII Certain defects in the international application</li> <li><input type="checkbox"/> Box No. VIII Certain observations on the international application</li> </ul>				
Date of submission of the demand 22.11.2005	Date of completion of this report 31.03.2006			
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Frison, C Telephone No. +49 89 2399-8519			
				

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US2005/001560

**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
    - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
      - international search (under Rules 12.3 and 23.1(b))
      - publication of the international application (under Rule 12.4)
      - international preliminary examination (under Rules 55.2 and/or 55.3)
  2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

**Description, Pages**

1-41 as originally filed

## **Claims, Numbers**

1-14 filed with telefax on 21.11.2005

## **Drawings, Sheets**

**1/2, 2/2** : as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3.  The amendments have resulted in the cancellation of:

  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superceded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims	1-14
	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-14
Industrial applicability (IA)	Yes:	Claims	1-14
	No:	Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

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Item V

**2 INDEPENDENT CLAIM 1**

*Claim 1 and 4*

Art. 33(2) PCT

1.1 Document D1 discloses (see claim 1) an adhesive tape including an adhesive layer having first and second planar surfaces coated on a carrier web which may be perforated (see col. 4, l 35-55), said adhesive layer comprising a first and a second adhesive. One of the adhesive can be a psa (pressure sensitive adhesive) and the other a curable adhesive. The web carrier may be a metal (see col. 10, l. 24). Figure 1 shows a carrier having one side comprising domains of two different adhesives (for instance the psa and the curable adhesive), each of the adhesive defining a part of the surface of the layer, as disclosed in claim 1 of the present application. It is not suggested that the other side of the tape may also be coated. The subject-matter of claim 1 is thus novel.

1.2 The applicant mentioned the English translation of A D2, which could not be found in the attached documents filed with fax dated 21/11/2006. To streamline the procedure, the Examining Authority is ready to believe the content of letter dated 21/11/2006, the translation should however be sent when entry into the European Phase, in case the applicant wishes so.

According to the applicant, the particles dispersed throughout the psa do not provide adhesion and for this reason D2 does not disclose an adhesive tape according to claim 1 or claim 4.

**2. Art.33(3) PCT**

The opinion of the Examining Authority remains the same. The document D1 is regarded as being the closest prior art to the subject-matter of claim 1 and 4, and discloses (cf. point 1) an adhesive layer which differs from the subject-matter of claim 1 in that only one side of the carrier is coated by the psa-curable adhesives formulation. Indeed, the Examining

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(SEPARATE SHEET)**

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Authority does not see why the adhesive layers coated on the carrier are different from what is disclosed in claim 1 or 4. The objective technical problem over the prior art may be formulated as to provide an alternative adhesive tape which maintains the advantageous properties of the adhesive tapes disclosed in the prior art.

Starting from D1 the skilled man who would like to provide alternative adhesives, to bind two structures for instance, would not need being inventive to coat the opposite side of the carrier with the same psa-curable adhesive composition (double-sided adhesives are well known).

An inventive step may therefore not be acknowledged.

*Claim 12*

A similar method of binding is disclosed in D1 (col. 12, l. 30-40). The objections concerning inventive step are the same as those mentioned above.